

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TRIAD RX, INC.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:14-cv-01459
)	
EXPRESS SCRIPTS, INC.,)	
)	
Defendant.)	

**JOINT NOTICE TO THE COURT OF EXCLUSIONSARY DATES
REGARDING PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

At the direction of the Clerk of the Court, counsel for Plaintiff Triad Rx, Inc. (“Triad”) and counsel for Express Scripts, Inc. (“Express Scripts”) (collectively, the “Parties”), jointly submit this Notice to the court of Exclusionary Dates Regarding Plaintiff’s Motion for Preliminary Injunction (“Joint Notice”) and state as follows:

1. In its Notice of Termination, Express Scripts informed Triad that it planned to terminate the Provider Agreement between the Parties on August 25, 2014.
2. After the filing of Triad’s Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 3), the Parties conferred and agreed to a temporary stay of the termination to last approximately twenty-one days, or until September 15, 2014, to allow the parties to engage in limited discovery and schedule a hearing on Triad’s motion for preliminary injunction. This action mooted Triad’s request for temporary restraining order in advance of a hearing for preliminary injunction.
3. The Parties expect the discovery to be complete by September 5, 2014.

4. Counsel for Triad is unavailable on September 8, September 10, and September 11, due to previously scheduled depositions and oral argument before the 7th Circuit.

5. Counsel for Express Scripts is scheduled to leave for California at 4:00 p.m. on September 15 for previously scheduled depositions and is unavailable on September 16, 17 and 18.

6. The Parties are also available on September 19 and September 22 should it not be possible for the hearing to take place before September 15, 2014.

7. Based on these exclusionary dates, the Parties request that the Court schedule the hearing on the preliminary injunction at a day and time convenient to the Court.

WHEREFORE, the Parties request that the Court set the hearing for Triad's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 3) and provide any deadline by which Defendant Express Scripts, Inc. should file its opposition papers.

Respectfully submitted,

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Counsel for Defendant Express Scripts, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 25, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to:

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Counsel for Defendant Express Scripts, Inc.

/s/ Alexander T. Ricke
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